

FILED  
Clerk  
District Court

AUG 02 2022

for the Northern Mariana Islands  
By   
(Deputy Clerk)

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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE NORTHERN MARIANA ISLANDS**  
7

8 **JOSE C. MAFNAS,**  
9

10 **Plaintiff,**  
11

12 **vs.**  
13

14 **WILLIAM M. CASTRO, in his personal**  
15 **capacity, and in his official capacity as the**  
16 **Chief of Staff of the Office of the Governor,**  
17 **DAVID DLG. ATALIG, in his personal**  
18 **capacity, and in his official capacity as the**  
19 **Secretary of Finance of the Department of**  
20 **Finance, and THE COMMONWEALTH**  
21 **OF THE NORTHERN MARIANA**  
22 **ISLANDS,**  
23

24 **Defendants.**  
25

26 **Civil Case No. 1:22-cv-00009**  
27

28 **TEMPORARY RESTRAINING**  
1 **ORDER**

2 Date and Time Issued: **August 2, 2022 at**  
3 **8:30 a.m.**

4 Expiration Date and Time: **August 16,**  
5 **2022 at 8:30 a.m.**

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7  
8 **GOOD CAUSE APPEARING**, the Court hereby **GRANTS** Plaintiff Jose C. Mafnas's  
9 Motion for Temporary Restraining Order (ECF No. 2) pursuant to Rule 65(b) of the Federal Rules  
10 of Civil Procedure, finding as follows:

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12 1. A temporary restraining order is necessary to preserve the status quo because the facts  
13 as alleged in the Verified Complaint (ECF No. 1) and based on the arguments and law  
14 presented in the Motion for Temporary Restraining Order and Preliminary Injunction  
15 (ECF No. 2) and the Memorandum of Law in Support of Motion for Temporary  
16

1 Restraining Order and Preliminary Injunction (ECF No. 2-1) demonstrate ongoing  
2 irreparable injury in the form of the loss of Plaintiff's property interest in his continued  
3 employment as a civil service employee, without any due process, and the chilling of  
4 his constitutional right to freedom of speech and to freely associate, which damage is  
5 ongoing and will continue to occur while a hearing on the Plaintiff's Motion for  
6 Preliminary Injunction is pending.  
7

8 2. These damages are difficult to calculate, and the potential extent of the severity of the  
9 damage to rights protected by the U.S. and CNMI Constitutions necessitate immediate  
10 action without further notice, particularly because here the constitutional violations  
11 constitute irreparable harm.  
12

13  
14 The Court therefore ORDERS that:

15 1. Defendant Secretary of Finance David DlG. Atalig is hereby restrained from effecting  
16 his July 21, 2022 Memorandum purporting to reassign Plaintiff to a position within  
17 the CNMI Department of Commerce.  
18

19 2. Defendant Secretary of Finance David DlG. Atalig is ordered to maintain the status  
20 quo as it was before the pending controversy, with Plaintiff employed as the Director  
21 of Customs and Biosecurity under the Department of Finance until such time that the  
22 Court has held a hearing on and decided on the Motion for Preliminary Injunction  
23 pursuant to Rule 65(a) of the Federal Rules of Civil Procedure.  
24

25 3. The hearing on Plaintiff's Motion for Preliminary Injunction is hereby set for on  
26 **August 15, 2022 at 1:30 p.m.** Defendants are ordered to show cause at this hearing  
27

1 before **the Honorable Ramona V. Manglona, District Judge of this Court, in the**  
2 **Third Floor Courtroom at 1671 Gualo Rai Road, Saipan, MP 96950 on August**  
3 **15, 2022 at 1:30 p.m.** why a preliminary injunction, pursuant to Rule 65(a) of the  
4 Federal Rules of Civil Procedure, should not issue herein.

5 4. Defendants' responses, if any, shall be filed with this Court and served upon Plaintiff's  
6 counsel **on or before August 8, 2022 at 5:00 p.m.** Plaintiff shall file his reply, if any,  
7 no later than **August 11, 2022 at noon.**  
8  
9 5. This Order shall expire on **August 16, 2022 at 8:30 a.m.**  
10  
11 6. Plaintiff shall post Security in the amount of \$500 no later than August 3, 2022 at  
12 12:00 p.m.  
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15 DEFENDANTS ARE HEREBY NOTIFIED THAT ANY ACTION BY THEM IN  
16 VIOLATION OF THE TEMPORARY RESTRAINING ORDER MAY BE CONSIDERED  
17 AND PROSECUTED AS CONTEMPT OF THIS COURT.  
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19 DEFENDANTS ARE HEREBY FURTHER NOTIFIED THAT FAILURE TO ATTEND  
20 THE PRELIMINARY INJUNCTION HEARING SCHEDULED HEREIN SHALL RESULT IN  
21 THE IMMEDIATE ISSUANCE OF THE PRELIMINARY INJUNCTION, WHICH SHALL BE  
22 DEEMED TO TAKE EFFECT IMMEDIATELY UPON THE EXPIRATION OR  
23 DISSOLUTION OF THE TEMPORARY RESTRAINING ORDER HEREIN AND SHALL  
24 EXTEND DURING THE PENDENCY OF THIS ACTION.  
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26 DEFENDANTS ARE HEREBY FURTHER NOTIFIED THAT THEY SHALL BE  
27 DEEMED TO HAVE ACTUAL NOTICE OF THE ISSUANCE AND TERMS OF SUCH  
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1 PRELIMINARY INJUNCTION AND THAT ANY ACT BY THEM IN VIOLATION OF ANY  
2 OF ITS TERMS MAY BE CONSIDERED AND PROSECUTED AS CONTEMPT OF COURT.

3 Plaintiff is ordered to serve a copy of this temporary restraining order to Defendants  
4 no later than August 2, 2022 at 4:30 p.m. This temporary restraining order is issued this  
5 2nd day of August, 2022 at 8:30 a.m., and shall expire on August 16, 2022 at 8:30 a.m., unless  
6 extended by this Court.  
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8 SO ORDERED on this 2<sup>nd</sup> of August, 2022.

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11 RAMONA V. MANGLONA  
12 Chief Judge  
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